

02 JUL 15 AM 9:21

ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VII  
EXPEDITED RMP SETTLEMENT AGREEMENT**

---

DOCKET NO. CAA-07-2002- 0163

INSPECTION DATE: January 8, 2002

The Nehawka Farmers Cooperative Inc. facility, located on Anderson Street, Nehawka, Nebraska, (Respondent), did not submit a Risk Management Plan in violation of Section 112(r)(7) of the Clean Air Act (the Act), as noted on the attached Findings and Alleged Violations Form, which is hereby incorporated by reference.

If the Respondent does not sign and return this Expedited Settlement as presented within 15 days of the date of its receipt, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified in the Form.

The parties are authorized to enter into this Expedited Settlement under the authority vested in the Administrator of EPA by Section 113(d) of the Act, 42 U.S.C. § 7413(d), and by 40 C.F.R. § 22.13(b), published at 64 Fed. Reg. 40137 on July 23, 1999. The parties enter into this Expedited Settlement in order to settle the civil violations described in the Form for a penalty of \$1,500. This settlement is subject to the following terms and conditions:

EPA finds the Respondent's conduct is subject to the risk management program of Section 112(r)(7) of the Act, as described in that statute and further described by 40 C.F.R. § 68.150. The Respondent admits it is subject to Section 112(r)(7) and that EPA has jurisdiction over the Respondent and the Respondent's conduct as described in the Form. Respondent does not contest the Findings, and waives any objections it may have to EPA's jurisdiction. Respondent consents to the assessment of the penalty stated above. Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that it is subject to the provisions of the risk management program and that the violation has been corrected by submitting a Risk Management Plan in accordance with federal regulations to EPA.

The Respondent shall submit the Risk Management Plan, within 45 days of entry of this Expedited Settlement, by regular mail to the RMP Reporting Center, P.O. Box 3346, Merrifield, Virginia 22116-3346, ATTN: Risk Management Plans; or if by certified mail, overnight mail, or hand-delivered submissions to the RMP Reporting Center, c/o Computer Based Systems, Incorporated, Suite 300, 4600 North Fairfax Drive, Arlington, Virginia 22203, ATTN: Risk Management Plans.

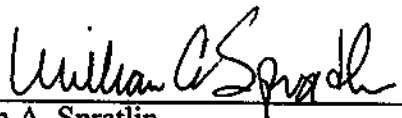
The Respondent further certifies that a certified check in the amount of \$1,500, payable to the "United States Treasury" has been mailed to EPA-Region VII, c/o Mellon Bank, P.O. Box 360748M, Pittsburgh, Pennsylvania 15251, and has noted on the penalty payment check "EPA" and the docket number of this case, "CAA-07-2002- ."

After this Expedited Settlement becomes effective and receipt by the RMP Reporting Center of Respondent's Risk Management Plan, EPA will take no further civil action against the Respondent for the specific violations of Section 112(r)(7) of the Act described in the Form. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by the Respondent of Section 112(r)(7) of the Act or of any other federal statute or regulation. By its first signature, EPA ratifies the Findings and Alleged Violations set forth in the Form.

Upon signing and returning this Expedited Settlement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 113 of the Act, and consents to EPA's approval of the Expedited Settlement without further notice.

This Expedited Settlement is binding on the parties signing below, and effective upon the Regional Judicial Officer's signature.

APPROVED BY EPA:

  
\_\_\_\_\_  
William A. Spratlin  
Director  
Air, RCRA and Toxics Division

Date : 6/12/02

## APPROVED BY RESPONDENT:

Name (print): Dale PiperTitle (print): PresidentSignature: 

## IT IS SO ORDERED:

Karina Borromeo  
Karina Borromeo  
Regional Judicial Officer

Date: July 15, 2002

ORIGINAL FINANCIAL INSTRUMENT

THE NEHAWKA BANK  
NEHAWKA, NEBRASKA 68413

28006

REMITTER

Nehawka Farmers Coop

DATE July 3, 2002

78-818/1049

PAY TO THE  
ORDER OF UNITED STATES TREASURY

\$ 1500.00

THE NEHAWKA BANK  
1,500.00 DOLLARS

This document has a multi-color background, a micro-print signature line, and a holographic foil title; absence of these features will indicate a copy.

CASHIER'S CHECK

VOID AFTER 6 MONTHS

*Wayne M. Johnson*

⑈028006⑈ +⑈104908189⑈ 00 210 0⑈

IN THE MATTER OF Nehawka Farmers Cooperative Inc., Respondent  
Docket No. CAA-07-2002-0163

CERTIFICATE OF SERVICE

I certify that the foregoing Expedited RMP Settlement Agreement was sent this day in the following manner to the addressees:

Copy hand delivered to  
Attorney for Complainant:

Julie Van Horn  
Senior Assistant Regional Counsel  
Region VII  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Dale Piper, President  
Nehawka Farmers Cooperative Inc.  
Anderson Street  
Newhawka, Nebraska 68413

Dated: 7/15/02

A handwritten signature in cursive script, reading "Kathy Robinson", written over a horizontal line.

Kathy Robinson  
Regional Hearing Clerk